

Exhibit “A”



TO: Donna Shavers
Albertson's LLC
PO BOX 160066, 321 MONTGOMERY RD
ALTAMONTE SPRINGS, FL 32716-0066

RE: **Process Served in Nevada**
FOR: Albertson's LLC (Domestic State: DE)

Service of Process

Transmittal

01/05/2022

CT Log Number 540837506

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: Allyson Black, Individually // To: Albertson's LLC

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # A21843981C

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall

ON WHOM PROCESS WAS SERVED: C T Corporation System, Carson City, NV

DATE AND HOUR OF SERVICE: By Process Server on 01/05/2022 at 13:44

JURISDICTION SERVED : Nevada

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 01/05/2022, Expected Purge Date: 01/10/2022

Image SOP

Email Notification, Michael McCue Michael.McCue@safeway.com

Email Notification, Donna Shavers donna.shavers@albertsons.com

Email Notification, Risk Management Group RM.Claim.Support@safeway.com

Email Notification, Carmen Rowland Carmen.Rowland@safeway.com

REGISTERED AGENT ADDRESS: C T Corporation System
701 S. Carson Street
Suite 200
Carson City, NV 89701
866-203-1500
DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

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1/4/2022 7:47 PM
Steven D. Grierson
CLERK OF THE COURT

1 SUMM

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 ALLYSON BLACK, individually;

5 Plaintiff,
6 vs.
7 ALBERTSONS COMPANIES, INC. d/b/a
8 VONS, a Foreign Corporation;
9 ALBERTSON'S, LLC, a Foreign Limited
10 Liability Company; DOE EMPLOYEE,
11 individually; DOE MANAGER,
12 individually; DOES I – XX, inclusive; and
13 ROE CORPORATIONS I – XX, inclusive,
14 Defendants.

CASE NO.: A-21-843981-C
DEPT. NO.: 25

SUMMONS

12 NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT
13 YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE
14 INFORMATION BELOW.

15 TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you for the relief set
16 forth in the Complaint.

17 ALBERTSON'S, LLC
18 c/o C T Corporation System, Registered Agent
19 701 S. Carson St., Suite 200
20 Carson City, NV 89701

21 1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of
22 the day of service, you must do the following:
23 a. File with the Clerk of this Court, whose address is shown below, a formal written response to
the Complaint in accordance with the rules of the Court.
24 b. Serve a copy of your response upon the attorney whose name and address is shown below.
25 2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may
26 enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of
money or property or other relief requested in the Complaint.
27 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your
response may be filed on time.

28 Issued at the direction of:

CLERK OF COURT

By: /s/Ash Marie Blackburn

ASH MARIE BLACKBURN, ESQ.
Nevada Bar No. 14712
6018 S. Ft. Apache Road, Ste. 150
Las Vegas, NV 89148
Attorney for Plaintiff

By: _____

Deputy Clerk
County Courthouse
200 Lewis Avenue
Las Vegas, NV 89155

Date

Electronically Filed
11/10/2021 2:17 PM
Steven D. Grierson
CLERK OF THE COURT

1 COMP
2 BRADLEY S. MAINOR, ESQ.
3 Nevada Bar No. 7434
4 JOSEPH J. WIRTH, ESQ.
5 Nevada Bar No. 10280
6 ASH MARIE GANIER, ESQ.
7 Nevada Bar No. 14712
8 JOSEPH W. GUINDY, ESQ.
9 Nevada Bar No. 15556
10 **MAINOR WIRTH, LLP**
11 6018 S. Fort Apache Road, Ste. 150
12 Las Vegas, NV 89148-5652
13 Tel: (702) 464-5000
14 Fax: (702) 463-4440
15 ash@mwinjury.com
16 *Attorneys for Plaintiff*

CASE NO: A-21-843981-C
Department 25

MAINOR WIRTH, LLP
6018 S. Ft. Apache Rd., Ste. 150, Las Vegas, NV 89148
Phone: (702) 464-5000 | Fax: (702) 463-4440

DISTRICT COURT
CLARK COUNTY, NEVADA

13 ALLYSON BLACK, individually;

CASE NO.:
DEPT. NO.:

14 Plaintiff,

15 vs.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

16 ALBERTSONS COMPANIES, INC. d/b/a
17 VONS, a Foreign Corporation; ALBERTSON'S,
18 LLC, a Foreign Limited Liability Company; DOE
19 EMPLOYEE, individually; DOE MANAGER,
individually; DOES I – XX, inclusive; and ROE
CORPORATIONS I – XX, inclusive,

20 Defendants.

22 Plaintiff, ALLYSON BLACK, by and through her attorneys of record, BRADLEY S.
23 MAINOR, ESQ., JOSEPH J. WIRTH, ESQ., ASH MARIE BLACKBURN, ESQ., and JOSEPH
24 W. GUINDY, ESQ. of MAINOR WIRTH, LLP, hereby complains and alleges against
25 Defendants, and each of them, as follows:

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I.

PARTIES AND JURISDICTION

3 1. Plaintiff ALLYSON BLACK (hereinafter "BLACK") is, and at all relevant times
4 herein was, a resident of Clark County, State of Nevada.

5 2. Based upon information and belief, Plaintiff hereby alleges that Defendant
6 ALBERTSONS COMPANIES, INC. d/b/a VONS (hereinafter "ALBERTSONS COMPANIES")
7 is, and at all relevant times herein was, a foreign corporation duly licensed and doing business in
8 Clark County, State of Nevada.

9 3. Based upon information and belief, Plaintiff hereby alleges that Defendant
10 ALBERTSON'S, LLC (hereinafter "ALBERTSON'S") is, and at all relevant times herein was, a
11 foreign limited liability company duly licensed and doing business in Clark County, State of
12 Nevada.

13 4. Based upon information and belief, Plaintiff hereby alleges that Defendant DOE
14 EMPLOYEE is, and at all relevant times herein was, a resident of the County of Clark, State of
15 Nevada. Upon information and belief, DOE EMPLOYEE was acting in the course and scope of
16 his/her employment with Defendant ALBERTSONS COMPANIES and/or ALBERTSON'S with
17 job duties and responsibilities that included, but were not limited to: cleaning, maintaining,
18 sweeping, and stocking the area where Plaintiff slipped and fell; and staying reasonably and
19 adequately informed and updated about Defendant ALBERTSONS COMPANIES and/or
20 ALBERTSON'S safety measures and precautions, as well as any ongoing actual and potential
21 hazards in and around the area where Plaintiff fell, in order to promptly address and remedy any
22 debris, spills, and/or hazards that could cause injury. Defendant DOE EMPLOYEE held this
23 position and these job duties and responsibilities with the knowledge and consent at the direction
24 of Defendant ALBERTSONS COMPANIES and/or ALBERTSON'S at the time of the subject
25 incident leading to Plaintiff's injuries, so that Defendant ALBERTSONS COMPANIES and/or
26 ALBERTSON'S is vicariously liable for Defendant DOE EMPLOYEE's actions and omissions at
27 all relevant times under the doctrine of *respondeat superior*.

1 5. Based upon information and belief, Plaintiff hereby alleges that Defendant DOE
2 MANAGER is, and at all relevant times herein was, a resident of the County of Clark, State of
3 Nevada. Upon information and belief, DOE MANAGER was acting in the course and scope of
4 his/her employment with Defendant ALBERTSONS COMPANIES and/or ALBERTSON'S, with
5 job duties and responsibilities that included, but were not limited to: being an assistant manager,
6 department manager, and/or other type of supervising/managing employee or agent of Defendant
7 ALBERTSONS COMPANIES and/or ALBERTSON'S; cleaning, maintaining, sweeping, and
8 stocking the area of ALBERTSONS COMPANIES and/or ALBERTSON'S assigned to him/her,
9 which included the area where Plaintiff slipped and fell; overseeing, supervising, and providing
10 training and/or direction to Defendant ALBERTSONS COMPANIES and/or ALBERTSON'S
11 employees in the subject area to ensure that employees were performing their job duties and
12 responsibilities as to cleaning, sweeps, maintenance, stocking products, and other duties in an
13 appropriate, reasonable, and safe manner for ALBERTSONS COMPANIES and/or
14 ALBERTSON'S customers and the employees themselves; enforcing and ensuring compliance
15 with Defendant ALBERTSONS COMPANIES and/or ALBERTSON'S policies and procedures
16 regarding cleaning, maintenances, sweeps, stocking products, and safety measures and precautions
17 in and around the area where Plaintiff slipped and fell, as well as disciplining employees for non-
18 compliance and violations of Defendant ALBERTSONS COMPANIES and/or ALBERTSON'S
19 policies and procedures, and for not performing job duties and responsibilities; assigning a
20 reasonable and adequate number of employees to keep the area where Plaintiff fell in clean,
21 stocked, and safely maintained; staying reasonably and adequately informed and updated about
22 Defendant ALBERTSONS COMPANIES and/or ALBERTSON'S safety measures and
23 precautions, as well as any ongoing actual and potential hazards in and around the area where
24 Plaintiff fell, in order to promptly address and remedy any debris, spills, and/or hazards that could
25 cause injury; and performing this job position, duties and responsibilities, *infra*, with the
26 knowledge and consent and at the direction of Defendant ALBERTSONS COMPANIES and/or
27 ALBERTSON'S at the time of the subject incident leading to Plaintiff's injuries, so that Defendant
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1 ALBERTSONS COMAPNIES and/or ALBERTSON'S is vicariously liable for DOE
2 MANAGER's actions and omissions at all times under the doctrine of *respondeat superior*.

3 6. That the true names and capacities, whether individual, corporate, associates, co-
4 partnership, or otherwise of Defendants, DOES I through XX, and ROE CORPORATIONS I
5 through XX, are unknown to Plaintiff who therefore sues said Defendants by such fictitious names.
6 Based upon information and belief, Plaintiff hereby alleges that each of the Defendants designated
7 as DOES I through XX and ROE CORPORATIONS I through XX are responsible in some
8 manner for the events and happenings referred to in this action and proximately caused damages to
9 Plaintiff as alleged herein. The legal responsibility of said Defendants DOES I through XX and
10 ROE CORPORATIONS I through XX arises out of, but is not limited to, their status as owners,
11 employees, managers, contractors, and/or installers, etc. and their maintenance, entrustment,
12 construction, installation, and/or service of the premises and/or the subject flooring within the
13 premises, which Defendants, and each of them, were maintaining, controlling, constructing,
14 installing, etc. at the time of the subject injury, or prior to, and/or their agency, master/servant or
15 joint venture relationship with said Defendants. Plaintiff will ask leave of this Honorable Court to
16 amend this Complaint to insert the true names and capacities of said Defendants, and when the
17 same have been ascertained, to join such Defendants in this action together with the proper
18 charging allegations.

19 7. Based upon information and belief, Plaintiff hereby alleges that at all relevant
20 times, each of the Defendants, including such fictitiously named Defendants, were the agents and
21 employees of each of the remaining Defendants and were at all times mentioned, acting within the
22 course and scope of that agency and employment. Each of the Defendants authorized and ratified
23 the acts of the remaining Defendants.

24 8. Defendants are jointly and severally liable for causing and/or contributing to the
25 creation of the subject dangerous condition, to wit: a foreign substance on Defendants' floor, and
26 for causing and/or contributing to Plaintiff's injuries, treatment, and damages pursuant to NRS
27 41.130 and other Nevada law.

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6018 S. Ft. Apache Rd., Ste. 150, Las Vegas, NV 89148
Phone: (702) 464-5000 | Fax: (702) 463-4440

1 9. That all the facts and circumstances that give rise to the subject lawsuit occurred at
2 45 E. Horizon Ridge Parkway, Henderson, Nevada 89002 within Clark County, State of Nevada.

3 **II.**

4 **STATEMENT OF FACTS**

5 10. On or about December 8, 2019, Defendants ALBERTSONS COMPANIES, INC.
6 d/b/a VONS, ALBERTSON'S LLC, DOE EMPLOYEE, DOE MANAGER, DOES I through XX,
7 and/or ROE CORPORATIONS I through XX were the owners and/or operators of a certain Vons
8 grocery store, located at 45 E. Horizon Ridge Parkway, Henderson, Nevada 89002 (hereinafter
9 "the subject premises").

10 11. On or about December 8, 2019, Plaintiff BLACK was a business invitee and/or
11 guest of Defendants and was legally upon the subject premises at the time of the subject incident
12 complained of herein.

13 12. On or about December 8, 2019, Plaintiff BLACK entered the subject premises and
14 proceeded though the deli section in the front left area of the grocery store. As Plaintiff BLACK
15 walked past the free-standing cooler with cheese, she slipped on an unknown liquid substance and
16 fell to the ground, landing on her right knee.

17 13. Upon information and belief, Defendant DOE EMPLOYEE and/or DOE
18 MANAGER had notice of the dangerous condition prior to Plaintiff BLACK's fall, but failed to
19 remove the substance and/or place warning signs around said area.

20 14. The dangerous condition on the premises caused Plaintiff BLACK to slip and fall
21 to the ground.

22 15. Plaintiff BLACK sustained substantial bodily injuries as a result of the subject
23 incident.

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III.

FIRST CAUSE OF ACTION
(Negligence/Respondeat Superior as to all Defendants)

16. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 15 above as if fully set forth herein.

17. At said time and place, Defendants, and each of them, owed a duty to Plaintiff to provide a safe environment and premises, and to take reasonable safety measures in the cleaning, sweeping, maintenance, stocking, and overall conditions of the floor, equipment displays, products, and general area in and around the subject location of Plaintiff's slip and fall to avoid injuries to Plaintiff.

18. Defendants breached that duty when they negligently and/or knowingly failed to clean, sweep, and/or maintain the floors, displays, premises, and overall area in and around the deli department and location of the subject incident, and/or negligently stocked the shelves, coolers and/or other containers so as to create a hazardous condition in and around the area of the subject incident, which caused injury to Plaintiff.

19. In complete disregard of their duty, Defendants negligently and/or knowingly caused a dangerous condition to exist, resulting in injury to Plaintiff.

20. Furthermore, at all times relevant herein, Defendants were liable for the negligent acts of its agents/employees, who failed to clean, sweep, and/or maintain the floors, displays, premises, and overall area in and around the deli department and location of the subject incident, and/or negligently stock the shelves, coolers and/or other containers so as to create a hazardous condition in and around the area of the subject incident, under the legal doctrine of vicarious liability/respondent superior.

21. As a direct and proximate result of the negligence of Defendants, and each of them, Plaintiff BLACK was seriously injured and caused to suffer great pain of body and mind, all or some of which may be permanent and disabling in nature, aggravating to her general and compensatory damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

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1 22. As a further and direct and proximate result of the negligence of Defendants, and
2 each of them, Plaintiff BLACK incurred expenses for medical care, treatment and expenses
3 incidental thereto, and Plaintiff may be required in the future to incur expenses for medical care
4 and treatment.

5 23. Plaintiff has been required to retain the services of MAINOR WIRTH, LLP to
6 prosecute this action and is entitled to reasonable attorneys' fees and costs incurred herein.

7 **IV.**

8 **SECOND CAUSE OF ACTION**

9 ***(Premises Liability as to Defendants ALBERTSONS COMPANIES, ALBERTSON'S, DOES I
through XX and/or ROE CORPORATIONS I through XX)***

10 24. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 23
11 above as if fully set forth herein.

12 25. On or about December 8, 2019, it was the duty of Defendants ALBERTSONS
13 COMPANIES, ALBERTSON'S, DOES I through XX and/or ROE CORPORATIONS I through
14 XX to use reasonable care and diligence to keep and maintain the subject premises in a condition
15 reasonably safe for its intended use and free from all defects and conditions that would render it
16 dangerous and unsafe for Plaintiff BLACK or present an unreasonable risk of harm during her
17 lawful use of the subject premises.

18 26. It was the duty of Defendants to exercise reasonable care to protect Plaintiff
19 BLACK by inspection and other affirmative acts from the danger of reasonably foreseeable injury
20 occurring from her lawful use of the subject premises.

21 27. It was the duty of Defendants to have available sufficient personnel and equipment
22 to properly inspect and maintain the flooring of the subject premises so as to keep it in a condition
23 reasonably safe for Plaintiff BLACK and free from defects and other conditions rendering it
24 unsafe.

25 28. It was the duty of Defendants to warn Plaintiff BLACK of the dangerous and
26 unsafe condition then existing upon the subject premises.

27 29. Defendants breached their duty by negligently failing to control, supervise, repair,

1 clean, and maintain the subject premises and further failing to warn Plaintiff BLACK of hazards
2 which resulted in her injury.

3 30. The resulting injuries to Plaintiff BLACK were caused by the negligence and
4 carelessness of Defendants, who failed to utilize reasonable care in the inspection and/or
5 maintenance of the subject premises, and the aforesaid acts of negligence were the proximate cause
6 of the injuries sustained by Plaintiff.

7 31. As a direct and proximate result of the negligence of Defendants, and each of
8 them, Plaintiff BLACK was seriously injured and caused to suffer great pain of body and mind, all
9 or some of which may be permanent and disabling in nature, aggravating to her general and
10 compensatory damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

11 32. As a further and direct and proximate result of the negligence of Defendants, and
12 each of them, Plaintiff BLACK incurred expenses for medical care, treatment and expenses
13 incidental thereto, and Plaintiff may be required in the future to incur expenses for medical care
14 and treatment.

15 33. Plaintiff has been required to retain the services of MAINOR WIRTH, LLP to
16 prosecute this action and is entitled to reasonable attorneys' fees and costs incurred herein.

17 IV.

18 THIRD CAUSE OF ACTION
19 *(Negligent Hiring, Training, Retention and Supervision as to
all Defendants)*

20 34. Plaintiff repeats, realleges, and incorporates by reference Paragraphs 1 through 33
21 above as if fully set forth herein.

22 35. Defendants ALBERTSONS COMPANIES, INC. d/b/a VONS, ALBERTSON'S,
23 DOES I through XX and/or ROE CORPORATIONS I through XX owed Plaintiff a duty to utilize
24 reasonable application, screening, and hiring processes for all its employees to perform the
25 necessary job functions and ensure that safety measures were in place to protect its patrons.

26 36. Defendants breached their duty by failing to utilize reasonable application,
27 screening, and hiring processes for its employees and such breach resulted in Defendants
28

1 employing individuals without the necessary ability, knowledge, or skill to ensure that safety
2 measures were in place to protect its patrons.

3 37. Defendants owed Plaintiff a duty to reasonably train their employees to perform
4 the necessary job functions and ensure that safety measures were in place to protect its patrons.

5 38. Defendants breached their duty to reasonably train their employees to perform the
6 necessary job functions and ensure that safety measures were in place to protect its patrons.

7 39. Defendants owed Plaintiff a duty to reasonably supervise their employees to
8 perform the necessary job functions and ensure that safety measures were in place to protect its
9 patrons.

10 40. Defendants breached their duty to reasonably supervise their employees to perform
11 the necessary job functions and ensure that safety measures were in place to protect its patrons.

12 41. Defendants owed Plaintiff a duty to discharge or terminate their employee(s), who
13 Defendants knew or reasonably should have known, was/were unfit to perform the necessary job
14 functions and ensure that safety measures were in place to protect its patrons.

15 42. Defendants breached their duty to discharge or terminate their employee(s), who
16 Defendants knew or reasonably should have known, was/were unfit to perform the necessary job
17 functions and ensure that safety measures were in place to protect its patrons.

18 43. As a direct and proximate result of the negligence of Defendants, and each of
19 them, Plaintiff BLACK was seriously injured and caused to suffer great pain of body and mind, all
20 or some of which may be permanent and disabling in nature, aggravating to her general and
21 compensatory damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

22 44. As a further and direct and proximate result of the negligence of Defendants, and
23 each of them, Plaintiff BLACK incurred expenses for medical care, treatment and expenses
24 incidental thereto, and Plaintiff may be required in the future to incur expenses for medical care
25 and treatment

26 45. Plaintiff has been required to retain the services of MAINOR WIRTH, LLP to
27 prosecute this action and is entitled to reasonable attorneys' fees and costs incurred herein.

28

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1 V.
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PRAYER FOR RELIEF

3 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

4 1. General and compensatory damages in an amount in excess of Fifteen
5 Thousand Dollars (\$15,000.00);
6 2. Special damages in excess of Fifteen Thousand Dollars (\$15,000.00);
7 3. Damages for cost of medical care and treatment and costs incidental thereto;
8 4. Lost wages and loss of earning capacity;
9 5. For reasonable attorney fees, costs of suit and interest incurred herein; and
10 6. For such other and relief as the Court deems just and proper.

11 DATED this 10th day of November, 2021.

12 **MAINOR WIRTH, LLP**

13 /s/ *Ash Marie Blackburn*

14 ASH MARIE BLACKBURN, ESQ.
15 Nevada Bar No. 14714
16 JOSEPH W. GUINDY, ESQ.
17 Nevada Bar No. 15556
18 6018 S. Fort Apache Road, Ste. 150
19 Las Vegas, NV 89148-5652
20 *Attorneys for Plaintiff*

21 **MAINOR WIRTH, LLP**
22 6018 S. Ft. Apache Rd., Ste. 150, Las Vegas, NV 89148
23 Phone: (702) 464-5000 | Fax: (702) 463-4440